

REMARKS

Claims 5-12, 33-36, and 46-93 were pending in the above-captioned application. Of the above, claims 33-36, 63-68 and 87-90 are withdrawn from further consideration by the examiner, as being drawn to a non-elected invention, the requirement having been traversed. Claims 5-12, 46-62, 69-86 and 91-93 remain under consideration. Claims 5-12, 33-36, 46, 54-56, 59-71, 73, 77, 79, 84, 86-90 and 92 have been canceled without prejudice. Claims 47-50, 52, 53, 57, 58, 72, 74-76, 78, 80-83, 85, 91 and 93 have been amended and claims 94-112 have been added to more particularly point out and distinctly claim the subject matter of the present invention.

Upon entry of the amendments, therefore, claims 47-53, 57, 58, 72, 74-76, 78, 80-83, 85, 91 and 93-112 will be pending. A copy of the claims which will be pending upon entry of the amendments is attached as Exhibit A. A marked-up version of the changes made to the claims is attached as Exhibit B and is captioned "Version with markings to show changes made."

The amended claims and the new claims are fully supported in the specification as originally filed. The amendments do not, therefore, constitute new matter. Applicants respectively request that the amendments be entered.

Applicants acknowledge the Examiner's indication that claims 47-51, 53, 72, 74, 75, and 80-82 would be allowable if rewritten in independent form. In order to further prosecution, Applicants, while disagreeing with the Examiner's rejections, have rewritten those claims that depend from rejected claims in independent form. In claim 47, Applicants submit that the amended claim does not include the language "one or more solid phase supports" as found in canceled claim 5, however it is respectfully submitted that amended claim 47 is allowable as indicated by the Examiner because the limitation "electrode" recited in previously



submitted claim 47 further specifies solid phase support. Amended claim 47 now recites "a cell comprising one or more electrodes having binding reagents immobilized thereon so as to form one or more binding domains". Thus, Applicants respectfully submit that the subject matter recited in amended claim 47 patentable over the prior art of record and is allowable for the reasons indicated by the Examiner.

Further, Applicants have either canceled the rejected claims or rewritten them as dependent claims of the allowable claims. In addition, newly added claims are all dependent claims of the allowable claims. As the claimed limitations in newly added claims track those of previously pending claims, no new matter has been added. The newly added claims and their corresponding previously pending claims, where they share same limitations, are indicated, inter alia, by the following table.

<u>New Claim Number</u>	<u>Previously Pending Claim Number</u>
94	52
95	53
96	74
97	75
98	85
99	6
100	7
101	8
102	10
103	11
104	12



105	50
106	53
107	70
108	74
109	75
110	80
111	81
112	82

Accordingly, applicants believe that the claims, as amended, are in condition for allowance and reserve the right to pursue the subject matter of the canceled claims in a related application.

1. THE REJECTION UNDER 35 U.S.C. § 112, SECOND PARAGRAPH
SHOULD BE WITHDRAWN

Claims 8, 9, 54-62, 70, 73, 76-79, 84, 86, and 92 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. In particular, the Examiner has objected to the recitation of “adapted for” and “adapted to” in the claims. In response, Applicants submit that each of these rejections have been overcome and/or obviated by the amendments made herein.

First, Applicants have canceled claims 8, 9, 54-56, 59-62, 70, 73, 77, 79, 84, 86, and 92, without prejudice, in the interest of further prosecution. Applicants believe these claims to be patentable and reserve the right to prosecute the subject matter of these claims in a related application. However, the rejection under 35 U.S.C. § 112, second paragraph is rendered moot by the cancellation of these claims and should be withdrawn.



Next, for claims 57, 58, 76, and 78, Applicants respectfully submit that the amended claims no longer have recitations of “adapted for” or “adapted to”.

For all the above reasons, Applicants respectfully submit that each of the Examiner’s rejections under 35 U.S.C. § 112, second paragraph has been overcome and/or obviated. Applicants therefore respectfully request that the rejections be withdrawn.

**2. THE REJECTION UNDER 35 U.S.C. § 102(b) SHOULD BE
WITHDRAWN**

Claims 5, 6, 9, 12, 46, 52, 55, 61, 69, 70, 73, 83-86, and 91-93 are rejected under 35 U.S.C. § 102(b) as being anticipated by Northrup et al., U.S. Patent No. 5,674,742 (hereinafter “Northrup”). Further, claims 9, 10, 12, 52, and 61 are rejected as being anticipated by Grant et al., U.S. Patent No. 5,247,954 (herinafter “Grant”). Still further, claim 9 is rejected under 35 U.S.C. § 102(b) as being anticipated by Walter, U.S. Patent No. 4,114,194 (hereinafter “Walter”). In response, Applicants submit that each of these rejections should be withdrawn for the reasons stated below.

As noted above, claims 5, 6, 9, 10, 12, 46, 55, 61, 69, 70, 73, 84, 86, and 92 have been canceled, without prejudice, in the interest of further prosecution. Claims 52, 83, 85, 91 and 93 have been amended to more particularly point out and distinctly claim the subject matter of the invention. In particular, each of these claims has been amended to be dependent on allowable claim(s).

Thus, Applicants respectfully submit that each of the Examiner’s rejections under 35 U.S.C. § 102(b) has been overcome and/or obviated and respectfully request that the rejections be withdrawn.

3. THE REJECTION UNDER 35 U.S.C. § 103(a) SHOULD BE WITHDRAWN

Claims 6, 7, 10, 11, and 71 are rejected under 35 U.S.C. § 103(a) as being anticipated by Northrup. Applicants have canceled claims 6, 7, 10, 11, and 71, herein in the interest of furthering prosecution and not because Applicants in any way agree with the rejection of these claims. Applicants believe these claims to be patentable and further reserve the right to prosecute the subject matter of claims 6, 7, 10, 11, and 71 in a related application. However, the rejection under 35 U.S.C. § 103(a) is made moot by the cancellation of these claims and should be withdrawn.

CONCLUSION

In view of the amendments and remarks herein, Applicants believe that each ground of rejection or objection made in the instant application has been successfully overcome or obviated, and that all the pending claims are in condition for allowance. Withdrawal of the Examiner's rejections and objections, and allowance of the current application are respectfully requested.

The Examiner is invited to telephone the undersigned in order to resolve any issues that might arise and to promote the efficient examination of the application.

A check in the amount of \$392.00 is submitted herewith to cover the added new claims. No additional fee is believed necessary for entry of this Amendment. However, the Commissioner is hereby authorized to charge any additional fee to Deposit Account No. 50-0540.



Respectfully submitted,

KRAMER LEVIN NAFTALIS & FRANKEL LLP

Attorneys for Applicants

By:


Barry Evans
Reg. No. 22,802
(212) 715-7609
Li Cai
Reg. No. 45,629
(212) 715-7588

D